

September 13, 2015

PUBLIC NOTICE Of **SPECIAL ELECTION**

SPECIAL ELECTION PROPOSING THE ANNEXATION OF MULTIPLE PARCELS, AND MAP IDS, OWNED BY EDDIE EVANS FARM, LLC, AND REGAL CONTRACTORS, LLC, ALSO KNOWN AS NOBLES POND, IN ACCORDANCE WITH THE CHARTER OF THE TOWN OF CHESWOLD

Please take notice that on September 9, 2015, the Town Council of the Town of Cheswold passed Resolution No. 08-25-15-076 "Resolution Ordering and Setting Date for Special Election with Respect to the Annexation of Eddie Evans Farm, LLC and Regal Contractors, LLC Properties in Accordance with the Charter of the Town of Cheswold".

Accordingly, the Town of Cheswold will conduct a **Special Election** on **October 15, 2015, between the hours of 1 p.m. and 3:30 p.m.**, at the **Cheswold Town Hall, 691 Main Street, Cheswold, Delaware, 19936.**

Please take further notice that, pursuant to Section 3.2.5 of the Charter of the Town of Cheswold, the following person(s) are eligible to vote in the special election:

- (a) any person residing in the territory proposed to be annexed who would be entitled to vote at the annual Town election if the area proposed to be annexed was already included in the Town; and
- (b) each legal entity (e.g. natural person, corporation, partnership) owning property in its own name, in the territory proposed to be annexed.



Resolution No.: 08-25-15-076

Date: August 25, 2015

**RESOLUTION ORDERING AND SETTING DATE FOR
SPECIAL ELECTION WITH REPECT TO THE
ANNEXATION OF EDDIE EVANS FARM, LLC
AND REGAL CONTRACTORS, LLC PROPERTIES
IN ACCORDANCE WITH THE
CHARTER OF THE TOWN OF CHESWOLD**

Whereas; the Charter of the Town of Cheswold ("Charter"), Section 3.2.3, provides that Town Council may, at any time following the public hearing with respect to a proposed annexation, pass a resolution ordering a special election to be held regarding the proposed annexation; and

Whereas; at the Town Council meeting held on May 4, 2015, upon unanimous vote, Town Council accepted for processing an annexation application and attendant annexation agreement, (Annexation Application 2015-03-25-0001), submitted by Eddie Evans Farms, LLC and Regal Contractors, LLC, ("Nobles Pond"), relating to multiple parcels totaling approximately 111.3 acres and also identified in the Annexation Application as Exhibit B, and which lies on the west side of west side of Commerce Street/McKee Road, south of School Lane and adjacent to the Evans Jarrell, LLC property, which shall become contiguous with the Town of Cheswold, upon the approval of the annexation of the Evans Jarrell, LLC property; and

Whereas; upon recommendation from the Planning Commission, (Memo 15-002), May 27, 2015, the Town Council approved, contingent upon actual annexation of the Property, if any, the assignment of the zoning code R-5 Age Defined Community for the Property; and

Whereas; in accordance with the Charter, Town Council passed a Resolution (07-13-15-074) proposing the annexation of the Property and scheduling a public hearing on August 25, 2015 at 6:00 p.m. to solicit public comment and opinion on such proposal and to give proper notification of the proposed annexation and Public Hearing to property owners and residents of both the Town and the territory to be annexed: and

Whereas; the comment period, as required by Title 22, Section 101 (5) of the Delaware Code, commenced immediately upon the adoption of Resolution 07-13-15-074 and concluded upon the close of business, on Friday, August 21, 2015; and

Whereas; Town Council conducted a public hearing on August 25, 2015 at 6:00 p.m. in order to received information and take comments on the proposed annexation; and

Whereas; at the Town Council monthly workshop meeting held immediately after the conclusion of the public hearing on August 25, 2015, Town Council determined that it is in the best interest of the Town to annex the Property because it will, among other things, provide for the expansion of Town limits, increase the potential tax revenue, provide additional citizens to volunteer for public service and provide an additional commercial opportunity, which will add to the growth and commercial development of the Town in accordance with the Town of Cheswold Comprehensive Plan; and

Whereas, the Town decided to order a special election in accordance with the provisions of Sections 3.2.3 through 3.2.7 of the Charter with respect to the proposed annexation; and

NOW THEREFORE BE IT RESOLVED, by a majority vote of the Town Council and agreement of the Mayor, by Resolution duly adopted by the Town Council and Mayor, at the Town of Cheswold Town Council Monthly Workshop Meeting, held on Tuesday, August 25, 2015, at 6:30 p.m., at the Cheswold Volunteer Fire Company, 371 Main Street, Cheswold, DE 19936, that the Town desires to proceed with the annexation of the Property to the Town's limits and territory; and

BE IT FURTHER RESOLVED, that a Special Election will be held on **October 15, 2015 beginning at 1:00 p.m. and ending at 3:30 p.m.** in Cheswold Town Hall, 691 Main Street, Cheswold, DE 19936; and

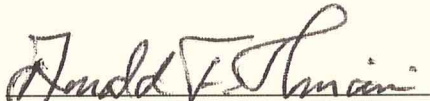
BE IT FURTHER RESOLVED, that the Special Election will be conducted by paper ballot in accordance with Section 3.2.6 of the Charter.

BE IT FURTHER RESOLVED, that, in accordance with the provisions of Section 3.2.5(a) and subject to the limitations and other requirements contained in Section 3.2.5(b) and (c) of the Charter, any person residing in the territory proposed to be annexed who would be entitled to vote at the annual Town election if the area proposed to be annexed already was included in the Town, shall be entitled to vote, and each legal entity owning property in its own name, in the territory proposed to be annexed, shall be entitled to one vote; and

Whereas; this Resolution is duly adopted by the Town Council and Mayor, at the Town of Cheswold Town Council Monthly Workshop Meeting, held on Tuesday, August 25, 2015, at 6:30 p.m., in the Cheswold Town Hall, 691 Main Street, Cheswold, DE 19936;

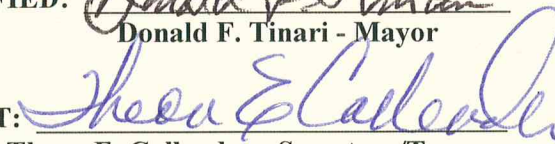
I, Donald F. Tinari, Mayor of the Town of Cheswold, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by an affirmative majority vote of the Town Council at the Monthly Council Meeting, held on, Tuesday, August 25, 2015, at which a quorum was present and voting throughout, and that the same is still in force and effect.

CERTIFIED:


Donald F. Tinari - Mayor

Date: August 25, 2015

ATTEST:


Theon E. Callender - Secretary/Treasurer

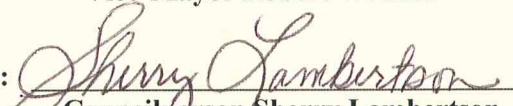
Date: August 25, 2015

Agreed:


Vice-Mayor Robert W. Sine

Date: August 25, 2015

Agreed:


Councilperson Sherry Lamberton

Date: August 25, 2015

Agreed:

Position Vacant
Councilperson


Date: August 25, 2015

Agreed:

Position Vacant
Councilperson

Date: August 25, 2015

NOTARIZED:


Shadina Jones - Town Clerk

Date: August 25, 2015